

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Peter Hoch
Serial Number:	09/911,437
Filed:	At Issue in This Petition
For:	GEAR RACK ARRANGEMENT HAVING RESILIENTLY BRACED GEAR RACKS AND ANTI-DETACHMENT MEANS
Art Unit:	2512
Examiner:	Kevin Watkins

5 **PETITION TO BE ACCORDED FILING DATE OF REVIVED PARENT**
APPLICATION and RESPONSE TO NOTICE OF INCOMPLETE APPLICATION

10 Hon. Assistant Commissioner for Patents
U. S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

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15 Applicant hereby petitions to be accorded the filing date (5/18/95) of parent application (08/443,518) for the above-identified continuation application. It is submitted that the proper filing date was denied in error in a Notice Of Incomplete Non-provisional Application mailed 09/07/2001.

20 This petition includes a complete response to the Notice of Incomplete Non-provisional Application and an authorization to charge all fees in connection with the petition and response to the notice to applicant's Deposit Account 07-0832.

STATEMENT OF FACTS

25

1. The Board of Patent Appeals and Interferences issued a decision on 24 January 2001 affirming the final rejection of Claims 1, 6 and 7 (all active claims) of

parent application S/N 08/443,518. The parent application became abandoned for as of the date the decision of the Board was mailed (24 January 2001).

2. Applicant filed a Petition to Revive the parent application on 24 July 2001
5 for the sole purpose of filing the subject continuation application. A copy of applicant's petition is enclosed (**Enclosure 1**).

3. Applicant's Petition to Revive the parent application 08/443,518 was
10 granted by the Office of Petitions on 27 August 2001 (**Enclosure 2**), thereby establishing continuity of the parent application and the present continuation application. (The parent application was abandoned with the filing of the continuation application.)

4. Applicant then received a Notice of Incomplete Nonprovisional
15 Application mailed 09/07/2001 (**Enclosure 3**). The Notice denied a filing date to applicant's continuing application and required submission of an oath or declaration and a *complete specification*.

SUBMISSION

20 It is submitted that while the requirement for a new oath or declaration was proper, the action of denying the filing date of the present continuing application as lacking a complete specification was improper because none was required as evidenced by Enclosures 1, 2 and 3.

These enclosures clearly show that at the time this continuing application
25 was filed, there was continuity between the parent and continuing applications and so the filing date accorded this continuing application should have been the filing date (18 May 1995) of the parent application.

RESPONSE TO NOTICE

30 Enclosed herewith is a complete response to the Notice of Incomplete Non-Provisional Application including a copy of the complete specification (**Enclosure 4**), a copy of the original Declaration and Assignment in the parent application (**Enclosure 5**) and a copy of a new Declaration and Assignment for the continuing application.

RELIEF REQUESTED

It is respectfully requested that the present continuing application be accorded the filing date, 18 May 1995, of the parent application 08/443,518.

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FEEs

The Notice of Incomplete Non-Provisional Application was mailed 7 September 2001 having a two month response date which ended 7 November 2001. Enclosed is a request for a one month extension of time to 7 December 2001. Enclosed is an authorization to charge applicant's Deposit Account Number 07-0832 for this fee.

10

- Since this petition states that the application is entitled to a filing date (see enclosed Notice), applicant hereby requests a refund of the petition fee.

15

Enclosed herewith is a paper authorizing a charge to applicant's deposit account for the petition fee and extension of time fee. Please charge any other fees which may be due and credit any overpayment to the Deposit Account Number 07-0832.

20

Please address all communications to:
Joseph S. Tripoli
Thomson Multimedia Licensing, Inc.
Post Office Box 5312
Princeton, New Jersey 08543-5312

Respectfully submitted,



Frederick A. Wein, Attorney

Reg. No. 27,168

Certificate of Mailing Pursuant to 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in a postage paid envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. on the date indicated below.

12/7/01

Date


Frederick A. Wein,

Reg. No. 27,168

Enclosures 1-6, as stated.

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Under the Paperwork Reduction Act of 1995

persons are required to respond to a collection of information

Approved for use through 10/31/2002. OMB 0851-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
as it displays a valid OMB control number.**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) \$240.00**Complete if Known**

Application Number	09/911,497
Filing Date	July 24, 2001
First Named Inventor	Hoch
Examiner Name	Watkins
Group / Art Unit	2512
Attorney Docket No.	RCA 87,911

METHOD OF PAYMENT (check one)1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Number

07-0632

Deposit
Account
Name

THOMSON multimedia Licensing Inc.

☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status.
See 37 CFR 1.27
2. ☐ Payment Enclosed:
☐ Check ☐ Credit card ☐ Money
Order ☐ Other
FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
20 **	0	X	0
Independent Claims	3 **	X	0
Multiple Dependent		X	0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	\$110
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	480	243	240	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	\$130
123	60	123	60	Processing fee under 37 CFR 1.17 (q)	
128	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
168	900	168	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 240.00)

SUBMITTED BY

Name (Print/Type)	Frederick A. Wein	Registration No. Attorney/Agent	27,168	Telephone	609-734-9518
Signature				Date	December 7, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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THOMSON MULTIMEDIA LICENSING INC.

FACSIMILE TRANSMISSION

Thomson Multimedia Licensing Inc.

2 Independence Way

Princeton, NJ 08540

FAX: (609) 734-9700

PHONE: (609) 734-9400

TO: Joe Hail-USPTO

LOCATION: _____

FAX NO.: 703 746 3267 EXT: _____

FROM: Fred Wein-Patent Operations

EXT: _____ NO. OF PAGES (including cover) 6

DATE: June 27, 2002

REMARKS: SN 09/911,437, our docket no. 87,911
Per your telecon with JS Tripoli this date, concerning documents
sent Dec. 7, 2001, enclosed is a copy of the petition, fee
transmittal and extension of time, all sent that date with a certificate
of mailing.


27, 168

IF YOU ARE MISSING PAGES OR IF NOT RECEIVED PROPERLY,
PLEASE CALL.